IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 941 of 2007(K)

PETITIONER:

R.BHAGYODAYAN, STORE KEEPER
(UNDER SESPENSION), DISTRICT TEXT BOOK DEPOT.,
MALAPPURAM, RESIDING AT HARISHREE,
MANALUVATTOM, THUDIYANNUR P.O.,
KADAKKAL, KOLLAM.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 941 OF 2007 K
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Dated this the 9th January, 2007

J U D G M E N T

The petitioner was placed under suspension while working as Upper Division Clerk in the office of the Deputy Director of Education, Malappuram. He was given additional charge of Store Keeper in the Government Text Book Depot, Malappuram. Ext. P3 application requesting to revoke the order of suspension, filed by the petitioner, is pending with the 2nd respondent. It is contended that, having regard to the facts subsequently disclosed based on enquiry conducted during the period between the order of suspension and the date of Ext. P3, the authorities have got a duty to review the order of suspension, because, they will be convinced that the allegations against the petitioner are not that serious as was initially thought of. It is, therefore, submitted that it is high time that appropriate action is taken to review the order of suspension and reinstate the petitioner in service.

2. Ext. P3 representation was filed by the petitioner on 3-7-2006. There is considerable delay on

the part of the 2nd respondent in passing orders on Ext. P3 filed by an employee of the department placed under suspension in November, 2004.

3. In the circumstances, the 2nd respondent is directed to consider Ext. P3 on merits with reference to all relevant aspects and pass appropriate orders within one month from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for compliance.

K.K. DENESAN
JUDGE

jan/